

Section 21903. Special Handling Services and Fees.

(a) Special Handling Services: Any Customer may submit one or more service requests or documents for processing with special handling service. Unless otherwise specified in this Section, special handling services apply only to service requests or documents submitted in person at the Secretary of State's Sacramento public counter, provided however, at the discretion of the Secretary of State, some special handling services may be made available at Secretary of State regional office public counters.

~~(ab) Fees shall be charged for the special handling of documents when they are submitted for filing at any office of the Secretary of State, whether they are filed or rejected from filing.~~ Special handling service includes, but is not limited to, the following activities:

~~(1) the review, and filing~~ and the preparation of certified copies of a ~~submittal document submitted for filing in priority to documents submitted by mail or without a special handling request~~ while a customer waits and the customer is informed it is filed;

~~(2) review and filing of a submittal for a customer who waits for the certified copies or returns in a short period of time to pick up certified copies of the filed document;~~

~~(23) responses to requests for certificates, certified copies of documents filed, and uncertified copies of documents filed that are made while the customer waits or for which the customer returns in a short period of time~~ in priority to requests submitted by mail or without a special handling request;

~~(43) written or in-person requests concerning the status or name-availability of a corporation or other business entity;~~

~~(5) facsimile transmissions of copies of documents or other information concerning Uniform Commercial Code (UCC) filings or the status of a corporation or other business entity;~~

~~(64) except when prohibited by statute,~~ relay of status or name availability information through the Secretary of State's ~~priority or 900-number~~ telephone service.

~~(bc)~~ Fees

Fees for special handling services shall be \$15 per document unless denoted below and shall be charged for the special handling of documents when they are submitted for filing, whether they are filed or rejected:

(1) Merger filings - \$15 per transaction, regardless of the number of constituent corporations or other business entities;

(2) Requests for certificates and for a certified ~~and or~~ uncertified copies of a documents for corporations or other business entities - \$10 per entity;

(3) Name reservations - \$10 per certificate;

(4) Notaries public certificates and certified and uncertified copy requests - \$6 per document;

- (5) UCC lien filings, certificates and copy requests - \$6 per document;
- (6) Trademark/service mark certified and uncertified copy requests - \$6 per mark;
- (7) Certificates of official character (authentication of a public official's signature) and certificates of incumbency - \$6 per certificate;
- (8) Facsimile transmission of information or copied documents - \$5 per business entity status report or document which is transmitted domestically, and \$10 per business entity for the first page and \$5 for each additional page transmitted internationally;
- (9) Phone, mail or counter status requests concerning corporations and other business entities - \$4 per request;
- (10) Name availability requests over the phone - \$4 per name.
- (11) Fees for copying records shall be \$1.00 for the first page and \$.50 for each page thereafter. ~~Customer Service Center fees shall not exceed the following amounts:~~
 - ~~(A) Copy machine - fifteen cents (\$0.15) per page~~
 - ~~(B) Laser Printouts - fifty cents (\$0.50) per page~~
 - ~~(C) Legal Size (non-window) Envelopes - five cents (\$0.05) each~~
 - ~~(D) 10 x 13 Envelopes - twenty five cents (\$.25) each.~~

(~~e~~) If a special handling fee is charged with respect to the filing of documents or the authentication of a public official's signature, a separate special handling fee shall not be charged for concurrent special handling for certificates, or certified or uncertified copies as to the same debtor, corporation or other business entity, or for additional simultaneously submitted authentication requests for the same public official.

(e) There shall be no special handling fee for the filing of annual statements and annual certificates by corporations or limited liability companies, or for any filing which is exempt pursuant to Government Code section 6103.

(f) "Customer" is a customer of the Secretary of State and includes, but is not limited to, a principal, agent, messenger or attorney.

(g) "Other business entity" includes, but is not limited to, general partnership, limited partnership, limited liability partnership, limited liability limited partnership (foreign only), limited liability company, business trust, real estate investment trust or an unincorporated association.

Note: Authority cited: Section 12182, Government Code.
Reference: Section 12182, Government Code.

21905. Expedited Filing of Documents

(a) The definitions provided in subdivision (a) of Section 21904 shall apply to this section.

(b) The Secretary of State in providing expedited filing services for a fee established pursuant to this section, if such services do not cause disruption or delay in the process of normal handling of documents, may suspend all or any portion of the expedited filing services, as set forth in this section, when deemed necessary due to a high volume of workload, staff shortages or equipment malfunction. Notice of the suspension of all or any portion of the expedited filing services shall be communicated to the public in a reasonable manner. Suspension of all or any portion of the expedited filing services may be for a specified or indefinite period of time, as denoted in the notice.

(c) The expedited filing of eligible documents shall occur as described in this subdivision:

(1) To submit an eligible document for expedited filing a customer shall personally deliver to the Sacramento office of the Secretary of State the following:

- (A) Eligible document, including the required signatures;
- (B) Two copies of the eligible document;
- (C) Requisite filing fee;
- (D) Written request for expedited filing;
- (E) Statement as to the class of service requested, as provided in subdivision (e);
- (F) Statement as to the means of delivery of the filing confirmation or the filing response, as provided in subdivision (i);
- (G) Name and telephone number of the customer to whom questions, if any, regarding the document or service may be directed; and
- (H) Requisite expedited filing fee, as provided in subsection (f).

(2) After receipt of an eligible document for expedited filing, as provided in paragraph (1) of subdivision (c), the Secretary of State shall provide one of the following responses ~~file the document~~ within the time period for the requested class of service, as provided in subdivision (e) below.

(A) If the document is determined to conform to law, ~~The~~ Secretary of State shall file the document and deliver the filing confirmation by the requested means of delivery, as provided in subdivision (i) below. The Secretary of State shall not be responsible for ensuring that the confirmation of filing is ~~delivered~~ received within the time period for the requested class of service, as ~~delivery~~ receipt may take additional time to reach a customer due to the means of delivery or the fact that the customer is not available to receive it.

~~(3)~~ (B) If the Secretary of State determines that an eligible document does not conform to law, the Secretary of State shall return the document and state in a filing

response the reason or reasons for returning the document. Such delivery may take additional time to the extent that the customer is not available to receive it.

~~(3)~~~~(C)~~ If it appears to the Secretary of State that an eligible document cannot be filed or a filing response cannot be issued within the time period for the requested class of service, the Secretary of State shall contact the customer concerning the appropriate action to be taken. The expedited filing fee shall be refunded if a customer requests the document to be returned without filing.

(d) If a request for expedited filing pursuant to this section is not made in writing or the applicable fee is not paid prior to or concurrently with the submission for filing, the Secretary of State shall handle the filing of the document under the normal processing procedures.

(e) The classes of expedited service for an eligible document submitted pursuant to paragraph (1) of subdivision (c) are the following:

(1) Class A service: an eligible document shall be filed or a filing response issued within four (4) hours of receipt by the Secretary of State, excluding weekends and state holidays in which the Secretary of State is closed for business, if the following conditions are satisfied: (A) the eligible document was precleared; and (B) the Secretary of State determines that the information completing the designated blank spaces in the preclearance version, if any, does not require additional time to review; or

(2) Class B service: an eligible document shall be filed or a filing response issued by 4:00 p.m. the same business day of receipt by the Secretary of State, if the eligible document was received by the Secretary of State by 9:30 a.m. that same business day;
or

~~(2)~~~~(3)~~ ~~Class B~~ Class C service: an eligible document shall be filed or a filing response issued within twenty-four (24) hours of receipt by the Secretary of State, excluding weekends and state holidays in which the Secretary of State is closed for business.

(f) The expedited filing fees shall be the following: (1) \$500 for Class A service; (2) \$850 for Class B service; and (3) (2)\$350 for Class B Class C service.

(g) The expedited filing fees provided for in subdivision (f) above shall be in addition to the requisite fees for filing the document.

(h) If an eligible document is submitted for expedited filing pursuant to this section and the Secretary of State determines that the eligible document does not conform to law, the expedited filing fee shall not be refunded.

(i) Delivery of filing confirmation or filing response requested pursuant to subsection (F) of paragraph (1) of subdivision (c) shall be by one of the following means:

- (A) The filing confirmation or filing response shall be available at the Sacramento office of the Secretary of State for the customer to collect in person;
- (B) The filing confirmation or filing response shall be transmitted by telephone facsimile, if a telephone facsimile number provided by the customer accompanies the expedited filing request;
- (C) The filing confirmation or filing response shall be transmitted by electronic mail, if an electronic mail address provided by the customer accompanies the expedited filing request;
- (D) The filing confirmation or filing response shall be placed in the mail to be delivered by overnight courier, if a prepaid, pre-addressed overnight courier envelope provided by the customer accompanies the request for preclearance; or
- E) The filing confirmation or filing response shall be placed in the mail to be delivered by the United States Postal Service first class mail.

Note: Authority cited: Section 12182, Government Code; Budget Act, ch. 47, Stat. of 2006; and Section 17.1, Corporations Code.
Reference: Section 12182, Government Code; and Section 17.1, Corporations Code.

21905.5 Request for Specific Filing Date

(a) The definitions provided in Sections 21903 and 21904 shall apply to this section.

(b) If an eligible document is returned without being filed for reasons specified in a filing response, the eligible document may be resubmitted for filing and may receive a file date of the original submission date, provided all of the following conditions are met:

(1) the Customer specifically requested the original date of submission as a file date when initially submitting the document;

(2) the document is resubmitted for filing by the end of the third business day following the date of the first filing response;

(3) the document complies with law upon resubmission.

(c) If an eligible document is resubmitted more than once, the document will receive the earliest file date available under subdivision (b), treating each resubmission as an original submission.

(d) A requested file date cannot precede the date of execution of a document submitted for filing.

Note: Authority cited: Section 110(a), 5008(a), 12214(a), 15628, 15902.06, 17062 Corporations Code;

Reference: Section 110(a), 5008(a), 12214(a), 15620(a), 15628, 15902.06, 17062 Corporations Code